

CFR § 1.175 except for applicant's signature, and that claims 5-19 would be allowed upon the filing of the signed supplemental reissue declarations. Claims 1-4 have been allowed by the Examiner.

The Examiner cited U.S. Patent No. 5,479,378 as containing at least one claim which is not patentably distinct from claims 5 and 6 of this application. The Examiner noted that the '378 patent would form the basis for a rejection of claims 5-19 under 35 U.S.C §103(a) if it qualifies as prior art under 35 U.S.C. §102(f) or (g) and if it was not commonly owned with this application at the time the invention in this application was made.

Applicant and applicant's counsel note with appreciation the indication of allowable subject matter concerning claims 1-19.

The supplemental reissue declarations filed July 31, 1996 and January 23, 1997 directed to the subject matter of claims 5-19 are in the process of being signed by the applicant and will be submitted shortly by supplemental response to overcome the rejection of claims 5-19 under 35 U.S.C. § 251.

Applicant notes that the '378 patent and this application are not commonly assigned. Seiko Telecommunications Systems, Inc., the sole assignee of the

'378 patent, and Seiko Instruments Inc., the sole assignee of this application, are different entities and are not commonly owned. Accordingly, the '378 patent does not form the basis for a rejection of claims 5-19 under 35 U.S.C §103(a).

In view of the foregoing, applicant respectfully requests that the rejection of claims 5-19 under 35 U.S.C. § 251 be withdrawn, that an interference be declared with U.S. Patent No. 5,329,501, and that claims 1-20 of the '501 patent be designated as corresponding to the count.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Commissioner of Patents & Trademarks, Washington, D.C. 20231, on the date indicated below.

  
Bruce L. Adams

Attorney Name

Signature

SEPTEMBER 29, 1997

Date